

## Message Text

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47

ACTION L-02

INFO OCT-01 NEA-09 ISO-00 CPR-01 SCA-01 SCS-03 INR-07

RSC-01 /025 W  
----- 109867

R 211447Z JAN 75  
FM AMEMBASSY NEW DELHI  
TO SECSTATE WASHDC 6434

LIMITED OFFICIAL USE NEW DELHI 0983

E. O. 11652: N/A  
TAGS: OGEN, IN, US  
SUBJECT: CONSULAR CONVENTION WITH INDIA

REF: A. STATE 283439 B. KREISBERG-KUX OFFICIAL INFORMAL,  
JANUARY 8, 1975

1. MEA LEGAL ADVISOR JAGOTA TOLD POLCOUNSELOR JANUARY 21  
THAT GOI WAS OF TWO MINDS ABOUT FORMAL ADHERENCE TO VIENNA  
CONVENTION AND HE NOW THOUGHT IT PROBABLY WOULD BE A USEFUL  
EXERCISE FOR THE US AND INDIA TO NEGOTIATE A BILATERAL CON-  
VENTION. JAGOTA SAID THE QUESTION OF CONSULAR ACCESS TO  
CITIZENS UNDER DETENTION AND TRIAL WOULD HAVE TO BE CAREFULLY  
THOUGHT THROUGH BY THE GOI, BUT IT WOULD BE HELPFUL TO SEE  
THE US DRAFT OF A PROPOSED TREATY. JAGOTA ASKED THAT THE  
EMBASSY SEND THE MINISTRY OF EXTERNAL AFFAIRS A NOTE PRO-  
POSING NEGOTIATIONS TO WHICH THE MINISTRY COULD THEN RESPOND.  
HE DID NOT ENVISAGE ANY PROBLEM IN GAINING THE APPROVAL OF  
THE FOREIGN SECRETARY IN GOING AHEAD.

2. COMMENT: IN VIEW OF JAGOTA'S COMMENTS ABOVE, EMBASSY  
NOW RECOMMENDS THAT THE DEPARTMENT AUTHORIZE US TO SEND A NOTE  
FORMALLY SUGGESTING NEGOTIATION OF A CONSULAR CONVENTION. WE  
CAUTION THAT THE PROBLEM OF CONSULAR ACCESS MAY STILL BE DIFFI-  
CULT TO FORMALIZE IN SUCH A CONVENTION. JAGOTA NOTED THAT THE  
INDIAN CONSTITUTION (ART 253) ALLOWS THE PARLIAMENT TO MAKE  
LAWS ENFORCING TREATIES APPLICABLE TO THE STATES. BUT HE ALSO  
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AGAIN OBSERVED THAT JUDGES HAD THE ULTIMATE RIGHT TO DECIDE ON

HOW TO CONDUCT THEIR TRIALS AND THAT LAWS SUCH AS THE OFFICIAL  
SECRETS ACT AUTHORIZING IN CAMERA PROCEEDINGS POSED PROBLEMS.  
SCHNEIDER

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NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 21 JAN 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** MorefiRH  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1975NEWDE00983  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** D750022-1124  
**From:** NEW DELHI  
**Handling Restrictions:** n/a  
**Image Path:**  
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**Legacy Key:** link1975/newtext/t19750134/aaaabdnj.tel  
**Line Count:** 64  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION L  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
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**Previous Classification:** LIMITED OFFICIAL USE  
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**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** CONSULAR CONVENTION WITH INDIA  
**TAGS:** OGEN, IN, US  
**To:** STATE  
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